

ORDINANCE NO. 321-07

BY: SEAN BRENNAN

AN ORDINANCE TO ENACT SECTION 757.07
"AGGRESSIVE SOLICITATION" OF THE
CODIFIED ORDINANCES OF THE CITY OF
PARMA, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Section 757.07 "Aggressive Solicitation" of the Codified Ordinances of the City of Parma, is hereby enacted to read as follows:

"757.07 AGGRESSIVE SOLICITATION.**(a) For purpose of this section:****(1) "Aggressive manner" means as follows:**

- (A) Approaching, seeking or following a person before, during, or after solicitation if that conduct is intended, or likely to cause, a reasonable person to (i) fear bodily harm to oneself or another, (ii) fear damage to or loss of property, or (iii) be intimidated;**
- (B) Intentionally or recklessly touching or causing physical contact with another person without that person's consent in the course of soliciting if the touching or physical conduct is likely to cause a reasonable person to feel restrained or intimidated;**
- (C) Continuing to solicit from a person after the person has given a negative response;**
- (D) Intentionally or recklessly blocking the safe or free passage of a person or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact. Acts authorized by a lawfully issued permit shall not constitute obstruction of pedestrian traffic for purposes of this section; or**
- (E) Intentionally or recklessly using obscene, abusive, or threatening language, or gestures, toward a person being solicited.**

(2) "Automated-teller machine" means a device, linked to a financial institution's account records, that is able to carry out transactions, including, but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.**(3) "Automated-teller machine facility" means the area comprised of one or more automated-teller machines, and any adjacent space that is made available to banking customers.**

- (4) "Public property" means all property owned, operated or controlled by any governmental agency, including but not limited to streets, public sidewalks, tree lawns, parks, playgrounds, publicly-owned parking lots, schools, libraries, post offices, municipal transit facilities and other public lands and buildings.
 - (5) "Solicit" or "soliciting" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed work, by gesture or by other means of communication.
- (b) No person shall solicit:
- (1) In an aggressive manner;
 - (2) Within twenty feet of any automated-teller machine without the consent of the owner or other person legally in possession of the machine, provided, however, that when an automated-teller machine is located within an automated-teller machine facility, the distance shall be measured from the entrance or exit of the automated-teller machine facility.
 - (3) Within twenty feet of a bus stop, rapid-transit shelter, or bus shelter;
 - (4) Within twenty feet of a line of pedestrians waiting to obtain access to a building or event;
 - (5) Within fifteen feet of any pay telephone, provided, however, that when a pay telephone is located within a telephone booth or other facility, the distance shall be measured from the entrance or exit of the telephone booth or facility;
 - (6) Within fifteen feet of the entrance or exit of any public toilet facility;
 - (7) On public property within ten feet of an entrance to a building;
 - (8) On public property within ten feet of an entrance to a parking lot;
 - (9) On a public street, by intentionally or recklessly blocking the safe or free passage of a person or vehicle.
- (c) Whoever violates division (b)(1) of this section shall be guilty of a misdemeanor of the fourth degree for a first offense, a misdemeanor of the third degree for a second offense, and a misdemeanor of the first degree for a third and subsequent offense. Whoever violates any provision in division (b)(2) through (b)(10) of this section shall be guilty of a minor misdemeanor for a first offense, and misdemeanor of the fourth degree for a second and subsequent offense. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.
- (d) The Director of Public Safety shall report to this Council by December 31 of each year on the enforcement activity under this section that occurred in the twelve-month period prior to the report, or such longer period as may be necessary to cover all enforcement activity since the last report. The first report shall be made in _____. Each report shall include, without limitation, the hours of time expended by the Division of Police in enforcement, the total number of cases, and the gender, race, and age of each offender."

concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary to ensure the prompt payment to vendors for purchases made by the City, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO